

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: SUFFOLK UNIVERSITY COVID
REFUND LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Master File No.: 1:20-cv-10985-WGY

JOINT STIPULATION TO DISMISS CASE WITH PREJUDICE

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the parties jointly stipulate to dismissal, with prejudice, of all of Plaintiffs' claims against Defendant Suffolk University.

Plaintiffs are former Suffolk students who allege "breach of an implied contract and unjust enrichment due to Suffolk's transition to a fully online program in light of the COVID-19 Pandemic." Dkt. 145 at 1. This Court stayed and administratively closed this case in November 2022 following its denial of Plaintiffs' motion for class certification. *See* Dkt. 171. The First Circuit denied Plaintiffs' Rule 23(f) Petition seeking review of this court's class certification decision in February 2023. *See* Dkt. 175.

On August 9, 2023, Governor Maura Healey signed into law Section 80 of the Outside Sections of Massachusetts' Fiscal Year 2024 Budget, entitled "Higher Education COVID-19 Limited Liability," including statutory provision Section 80(b). *See* 2023 Mass. St., c. 28 § 80, available at <https://perma.cc/QR8NS282%20>. This new statute grants Massachusetts colleges and universities like Suffolk immunity from civil liability for monetary damages or equitable monetary relief based on those institutions' transition to remote instruction in response to the COVID-19 pandemic during the Spring 2020 semester. *See* Dkt. 180.

On March 13, 2024, the First Circuit issued its decision in *Dutra v. Trustees of Boston University*, unanimously affirming summary judgment for Boston University based on Section

80(b) and rejecting the plaintiffs' state and federal constitutional retroactivity challenges to Section 80(b). *See Dutra v. Trustees of Boston University*, 96 F.4th 15, 25 (1st Cir. 2024).

On March 21, the parties in this action jointly moved to stay this case pending issuance of the mandate in *Dutra*. *See* Dkt. 182.

On May 22, the First Circuit denied the *Dutra* plaintiffs' petition for panel rehearing or rehearing en banc, and on May 30, the mandate in *Dutra* issued.

Accordingly, in light of Section 80(b) and *Dutra* and pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the parties jointly stipulate to dismissal, with prejudice, of all of Plaintiffs' claims against Defendant Suffolk University in this action, with each party bearing its own fees and costs.

DATED: June 5, 2024

Respectfully submitted,

By:

/s/ Paul J. Doolittle (with permission)

Paul J. Doolittle, Esq.

SC Fed. Bar No. 6012

POULIN | WILLEY | ANASTOPOULO, LLC

32 Ann Street Charleston, SC 29403

(T): (803) 222-2222

(F): (843) 494-5536

Email:

Paul.doolittle@poulinwilley.com

David Pastor, Esq

BBO # 391000

PASTOR LAW OFFICE, PC 63 Atlantic

Avenue, 3^a Floor Boston, MA 02110

Tel: (617) 742-9700

Facsimile: (617) 742-9701

Email: dpastor@pastorlawoffice.com

*Attorneys for Plaintiffs Julia Durbeck, Anna
Francesca Foti, Mary Ann Foti*

By /s/ Kathleen M. Sullivan

Kathleen M. Sullivan (BBO # 551053)

Crystal Nix-Hines (pro hac vice)

Shon Morgan (pro hac vice)

Marina Lev (pro hac vice)

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

865 S. Figueroa Street, 10th Floor

Los Angeles, CA 90017

Tel. (213) 443-3000

crystalnixhines@quinnemanuel.com

kathleensullivan@quinnemanuel.com

shonmorgan@quinnemanuel.com

marinalev@quinnemanuel.com

Harvey Wolkoff (BBO No. 532880)

Alex H. Loomis (BBO No. 699129)

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

111 Huntington Avenue, Suite 520

Boston, MA 02199

Tel: (617) 712-7100

harveywolkoff@quinnemanuel.com

alexloomis@quinnemanuel.com

Attorneys for Defendant Suffolk University

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on all counsel of record on June 5, 2024 using the Court's ECF system, which will send a notification of such filing.

/s/ Kathleen M. Sullivan
Kathleen M. Sullivan